

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

DARLENE MAAS,

Plaintiff,

vs.

CITY OF BILLINGS, MONTANA;
BILLINGS, MONTANA POLICE
DEPARTMENT; CHIEF RICH ST.
JOHN, CAPTAIN CONRAD,
OFFICER KEIGHTLEY, OFFICER
LANGE, OFFICER AGUILAR,
OFFICER SCHAFF, and JOHN DOES
1-10,

Defendants.

No. 1:19-cv-79-BMM-KLD

ORDER

ORDER

Plaintiff Darlene Maas (“Maas”) filed this action in state court on June 5, 2019, alleging defamation, violations of the Montana Law Enforcement Code of Ethics, and violations of her state and federal constitutional rights. (Doc. 3). Defendants later removed the case based on federal question jurisdiction. (Doc. 25). The matter was assigned to United States Magistrate Judge Kathleen L. DeSoto.

Maas is proceeding *pro se* in the matter. Maas filed what she terms as a “Motion for Review of Case by Article III Judge Brian Morris” in the above-captioned matter on September 1, 2020. (Doc. 38). She asserts that the “purpose of this motion is to ensure a Pro Se litigant guaranteed rights of impartiality and non-bias that secure a fair process to achieve truth and justice.” *Id.* at 1. Maas alleges various wrongdoing by Defendants in the course of discovery as well as disagreement with Magistrate Judge Kathleen L. DeSoto’s June 18, 2020 ruling against her Motion to Compel. *Id.* at 2–4 (citing Doc. 33).

Maas does not provide a legal basis for Article III review of the discovery disputes specified. She may instead avail herself of the full tools of discovery—including motions to compel discovery—in order to obtain relevant documents and statements needed in the case. Turning to Magistrate Judge DeSoto’s order on Maas’s Motion to Compel, the Federal Rules of Civil Procedure do provide review of non-dispositive rulings by a magistrate judge; however, review must be requested within 14 days of the order. *See* Fed. R. Civ. P. 72. Maas’s motion for review was filed 75 days after the order was issued.

IT IS HEREBY ORDERED that Maas’s Motion (Doc. 38) is **DENIED**.

Dated the 24th day of November, 2020.



Brian Morris, Chief District Judge
United States District Court